

REMARKS

In response to the Office Action mailed on March 17, 2008, Applicants respectfully requests reconsideration. Claims 1, 3-13, 15-24 and 27-28 are now pending in this Application. Claims 1 and 13 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 13 and 16 have been amended and claims 2, 14, 25 and 26 have been cancelled and claims 27 and 28 have been added. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Examiner objected to the specification regarding support for computer readable medium of claim 26. The Examiner also objected to claim 25 under 35 U.S.C. §112, first paragraph, as a single means claim. While Applicants do not agree with the Examiner's position regarding claims 25 and 26, Applicants have cancelled these claims in order to expedite allowances of the present application. Accordingly, the objection to the specification and the rejection of claim 25 are believed to have been rendered moot.

The Examiner rejected claims 4 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner stated that claims 4 and 16 seem to contradict claims 1 and 13 respectively, and further that it is assumed the downstream policy is used to forward messages.

Applicants respectfully submit that the claim is correct as written. Specifically, the upstream policy is intentionally used such that the traffic is forced to travel through a node (the second node) that it would have not otherwise have traveled if the downstream policy had been used. This is recited in the specification at page 5, lines 23-30.

Claims 1-26 were rejected under **35 U.S.C. §102(e)** as being anticipated by U.S. Patent No. 7,116,665 to Balay et al. (hereinafter Balay). Applicants respectfully disagree with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Balay reference.

Balay teaches a distributed provider edge node. In Balay, at a VRF a FIB is used for both upstream and downstream traffic routing, as is an LFIB (see column 5, lines 30-55). Balay thus does not teach a separate upstream routing policy and a separate downstream routing policy, since in Balay the same FIB or LFIB is used for both downstream and upstream traffic. The advantage to maintaining separate upstream and downstream routing policies, ensures that traffic is forwarded through a specified node ad eventually to the intended destination even though the traffic may have otherwise traversed a shorter more direct path (as taught by Balay) in order to monitor traffic through a provider edge router. Further, claim 1 has been amended to include the limitations of claim 2. In the rejection of claim 2, the Examiner stated that Balay teaches that traffic transmitted by the first client trough the first node intended for receipt by a second client is forwarded to a second node. IT is noted that the clients are all downstream from the first node while the second node is upstream. Balay recites multiple second nodes as clients and that they are not downstream from the first node. Accordingly, amended claim 1 is believed allowable over Balay. Claim 13 has been amended in a similar manner as claim 1 and is believed allowable for at least the same reasons as claim 1. Claims 3-12 and 15-24 depend from claims 1 or 13 and are believed allowable as they depend from a base claim which is believed allowable.

Claims 27 and 28 have been added. Support for claims 27 and 28 can be found throughout the specification, for example at page 12 lines 5-20. Applicants submit that no new matter has been added and that the prior art of record fails to disclose or suggest the present invention.

The prior art of record is not believed to disclose or suggest the present invention.

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Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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Attorney Docket No.: CIS03-39(7814)

Dated: June 13, 2008